

JENNER & BLOCK LLP
Richard L. Stone (SBN 110022)
rstone@jenner.com
Kenneth D. Klein (SBN 85231)
kklein@jenner.com
Julie A. Shepard (SBN 175538)
jshepard@jenner.com
633 West 5th Street, Suite 3600
Los Angeles, CA 90071
Telephone: (213) 239-5100
Facsimile: (213) 239-5199

Jenner & Block LLP
Steven B. Fabrizio (admitted *pro hac vice*)
sfabrizio@jenner.com
1099 New York Avenue, NW, Suite 900
Washington, DC 20001
Telephone: (202) 639-6000
Facsimile: (202) 639-6066

Attorneys for Plaintiffs
Fox Television Stations, Inc.,
Twentieth Century Fox Film Corp., and
Fox Broadcasting Company, Inc.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FOX TELEVISION STATIONS, INC.,
TWENTIETH CENTURY FOX FILM
CORP., and FOX BROADCASTING
COMPANY, INC.

Plaintiffs,

v.

BARRYDRILLER CONTENT SYSTEMS
PLC, BARRY DRILLER INC.,
AEROKILLER, LLC, and DOES 1 through
3, inclusive,

Defendants.

Case No. CV12-6921-GW-JC

**STIPULATION (1) TO DISMISS
DEFENDANTS BARRYDRILLER
CONTENT SYSTEMS PLC AND
BARRY DRILLER INC.
WITHOUT PREJUDICE AND (2)
FOR FILING OF SECOND
AMENDED COMPLAINT**

1 Plaintiffs Fox Television Stations, Inc., Twentieth Century Fox Film Corp.,
2 and Fox Broadcasting Company, Inc. (collectively “Fox”), and Defendants
3 BarryDriller Content Systems PLC, Barry Driller Inc., and Aereokiller, LLC,
4 (collectively “Defendants”) (where Fox and Defendants collectively are “the
5 Parties”) stipulate as follows:

6 WHEREAS, on August 10, 2012, Fox filed its complaint for copyright and
7 trademark infringement against Defendant BarryDriller Content Systems PLC;

8 WHEREAS, on August 14, 2012, Fox filed its first amended complaint for
9 copyright and trademark infringement against all Defendants, including
10 BarryDriller Content Systems PLC and Barry Driller Inc. (“the BarryDriller
11 Entities”);

12 WHEREAS, on October 22, 2012, the BarryDriller Entities filed answers to
13 the First Amended Complaint;

14 WHEREAS, counsel for Defendants later informed counsel for Fox that the
15 BarryDriller Entities do not, and have never, legally existed and are not responsible
16 for any of the conduct alleged in the complaint, and on that basis, Defendants’
17 counsel asked Fox to agree to dismiss them;

18 WHEREAS, counsel for Defendants formally represent, on behalf of their
19 client, Aereokiller LLC, that: (a) the BarryDriller Entities do not exist and have
20 never existed as legal entities in any United States or foreign jurisdiction; (b)
21 because the BarryDriller Entities do not, and have never, existed as legal entities in
22 any domestic or foreign jurisdiction, they had no involvement in, and are not
23 responsible for, any of the conduct alleged in the operative complaint; and (c) the
24 BarryDriller Entities are not pseudonyms or dba’s of Aereokiller LLC, Alkiviades
25 David, Filmon.TV, Inc., FilmOn.TV Networks, Inc., Filmon.com, Inc., FilmOn.TV
26 L.A., Inc., Filmon PLC, Filmon TV Limited, Filmon Mobile, Inc., Filmon.TV
27 Asia, Inc., Filmon.TV NY, Inc., FilmOn, FilmOnX, or any other business, entity or
28 person associated with any of the foregoing;

1 WHEREAS, on the basis of the foregoing representations, Fox is willing to
2 dismiss the BarryDriller Entities without prejudice;

3 WHEREAS, in connection with Fox's motion for preliminary injunction,
4 Fox obtained expedited discovery from Aereokiller, LLC;

5 WHEREAS, during the course of expedited discovery, Fox discovered
6 additional individuals and corporations it needs to name as defendants;

7 WHEREAS, the Parties have met and conferred and agreed that, pursuant to
8 Federal Rule of Civil Procedure 15(a)(2), Fox may file a Second Amended
9 Complaint adding Alkiviades David, FilmOn.TV Networks, Inc., Filmon.TV, Inc.
10 and FilmOn.com, Inc. as additional defendants;

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1 It is hereby stipulated by and between Fox and Defendants, through their
2 counsel of record, and subject to the Court's approval, that:

- 3 1. The BarryDriller Entities shall be dismissed without prejudice;
4 2. Fox shall file a Second Amended Complaint, a copy of which is
5 attached hereto, adding Alkiviades David, FilmOn.TV Networks, Inc., Filmon.TV,
6 Inc. and FilmOn.com, Inc. as additional defendants within five (5) court days after
7 the Court enters an order based on this Stipulation.

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10 Dated: November 19, 2012

JENNER & BLOCK LLP

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12
13 By:

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Richard L. Stone

15 Attorneys for Plaintiffs
16 Fox Television Stations, Inc., Twentieth
17 Century Fox Film Corp., and Fox
18 Broadcasting Company, Inc.

19 Dated: November 19, 2012

BAKER MARQUART

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21
22 By:

23 
Ryan Baker

24 Attorneys for Defendants
25 BarryDriller Content Systems, PLC,
26 Barry Driller, Inc., and Aereokiller, LLC,
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